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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,045	01/29/2002	Lawrence Wilcock	1509-263	3640
22879 7590 10/22/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER				
SELLERS, DANIEL R				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
10/22/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: LAWRENCE WILCOCK and ALISTAIR NEIL COLES

Application No. 10/058,045
Technology Center 2600

Mailed: October 21, 2008

Before KRISTA ZELE *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, STATUS OF CLAIMS

A review of the file finds that the status of the claims as provided in the Supplemental Appeal Brief filed March 9, 2007, under the heading “Status of Claims” is not in complete compliance with 37 CFR 41.37(c)(1)(iii).

37 CFR 41.37(c)(1)(iii) states:

(iii) *Status of claims.* A statement of the status of all the claims in the proceeding (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled) and an identification of those claims that are being appealed. [Emphasis added.]

While Appellants “STATUS OF CLAIMS” on page 8 of the Brief list the claims as they are rejected, the section does not specifically identify those claims that are being appealed.

EXAMINER’S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on February 5, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II. Proper consideration is required.

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to hold the Supplemental Appeal Brief filed on March 9, 2007, defective;
- 2) notify Appellant to file a paper properly addressing the status of all of the claims in the proceeding, including an identification of the claims being appealed;

3) properly consider the Reply Brief filed February 5, 2007 as indicated above; and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/vsh

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400